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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,813	12/21/2005	Isabelle Fallais	2005_2020A	2861

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WENDEROTH, LIND & PONACK, L.L.P.
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SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER

RABAGO, ROBERTO

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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10/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,813

Applicant(s)

FALLAIS ET AL.

Examiner

Roberto Rábago

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 3,4,6 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/21/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Remarks on Claim Interpretation

1. The instant claims require in component (b) an alkoxyated acrylated monomer. Although no description of the structural requirements of this compound has been included in the specification, this compound is understood to require a residue from an alkoxylation, and in addition, a residue from an acrylation. Using the ordinary nomenclature of organic chemistry, and giving the claims their broadest reasonable interpretation, the residue from an alkoxylation requires an $-O-CR_3$ moiety, while the residue from an acrylation requires an acrylate moiety, i.e., $C=C-C(=O)-O-$. Furthermore, since the component is stated to be both alkoxyated and acrylated, these two moieties must be distinct, i.e., no atoms of the two residues may be shared between the two. This interpretation is narrower than that stated in the Written Opinion issued during PCT examination. In the opinion, the international examiner stated that alkyl acrylates such as methyl methacrylate or ethyl methacrylate are within the scope of an alkoxyated acrylated monomer. However, this interpretation is not correct because these structures do not have distinct residues from both an alkoxylation and an acrylation. Similarly, acrylated polyols which have not been additionally alkoxyated, such as trimethylol propane triacrylate, are not within the scope of component (b) because they too lack distinct residues from both an alkoxylation and an acrylation. If applicants disagree with this interpretation, they should provide an alternative interpretation and identify where support exists in the specification as filed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5, and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 941305.

The reference discloses in Example 22 a radiation curable composition comprising a methacrylated SAA copolymer in combination with methyl methacrylate, further comprising white spirit and benzoyl peroxide, followed by curing at 75°C. The stated use of the disclosed compositions is a coating composition (sentence bridging pages 1-2). The example uses methyl methacrylate as the additional monomer, and does not include an alkoxyated acrylated monomer. However, the reference teaches alternative monomers such as β -ethoxy ethyl methacrylate (see page 2, col. 2, lines 3-14). One of ordinary skill in the art would be motivated to use this comonomer because it has been suggested as a useful alternative to methyl methacrylate.

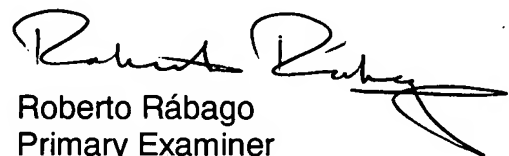
4. Claims 3, 4, 6 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable over the prior art currently of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rábago whose telephone number is (571) 272-1109. The examiner can normally be reached on Monday - Friday from 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Roberto Rábago
Primary Examiner
Art Unit 1796

RR
October 15, 2007